RIGHT TO PRIVACY—STATUTES—PARTIAL INVALIDITY.—An action was brought under a statute authorizing a suit to restrain the use for advertising purposes of a person's picture and for damages, unless the written consent of such person had been first obtained. The defendant raised the question of the constitutionality of the act. *Held,* that the statute is valid so far as it regulates the right to use the picture of another, though it should be conceded that a section of the same law making such act a misdemeanor is invalid. *Wyatt* v. *James McCreary Co.* (1908), 111 N. Y. Supp. 86.

This case marks one more step in the development of that comparatively new branch of the law which has become known in legal phraseology as the Right to Privacy. The subject may be found treated at length in 3 MICH. L. REV. 559, and also in 4 HARV. L. REV. 193. Cases in which the precise question have been decided are not many and date back not earlier than 1890. The leading case is *Roberson* v. *Rochester F. B. Co. et al.,* 171 N. Y. 539, 64 N. E. 442, 89 Am. St. Rep. 828, decided in 1902, in which the Court of Appeals of New York, by a vote of four to three, denied the existence in law of any inherent right to privacy, but modified the effect of the holding by suggesting that such a right might arise through legislative enactment. In response to the suggestion, the legislature the following year passed the statute in question in the principal case, and which is for the first time submitted for judicial interpretation. The defendant contended that the enactment was a violation of the constitutional provision forbidding the passing of any statute depriving a person of life, liberty or property without due process of law and forbidding any state to deny to any person within its jurisdiction the equal protection of its laws. The court cast no doubt, however, on the "right of the legislature to give to an individual the right to apply to a court of equity for protection from an unauthorized act which, although not involving injury to property, is yet calculated to produce mental distress." Though not directly raised in the case, the court indicates that a section of the statute making such unwarranted use of another's picture a misdemeanor is invalid, as an unconstitutional exercise of police power.

SCHOOLS AND SCHOOL DISTRICTS—PUPILS—HEALTH REGULATIONS—VACCINATION.—P. by her next friend filed her petition in the name of the people and therein alleged that she had been denied admission to the public schools of Chicago by the Board of Education because she refused to be vaccinated, and prayed for a mandamus commanding the Board to admit her. The Board, in justification of the exclusion, set up an ordinance of the City of Chicago requiring the exclusion of any child who shall not have been vaccinated within seven years next preceding the application for admission. On appeal from an order overruling petitioner's demurrer, *held,* the ordinance is unreasonable and void. *People ex rel Jenkins* v. *Board of Education of City of Chicago* (1908), — Ill. —, 84 N. E. 1046.

Ordinances and statutes similar to this one have for many years been a fruitful source of litigation. It has been generally held that where the legislature has prescribed vaccination as a condition to the enjoyment of the legal right to attend public schools, such regulation is valid. *Abeel* v. *Clark,*